

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
FOR THE FOURTH CIRCUIT  
Richmond, VA (03/19/2013 - 03/22/2013 Session)

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12-2074	<a href="#">Briefs</a>	FEDERAL PROCEDURE: Whether charges paid for processing of electronically stored information qualify as taxable costs
The Country Vintner of NC v. E & J Gallo Winery		under 28 U.S.C. section 1920(4) and FRCP 54(d)(1).
( Britt )		

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12-1351	<a href="#">Briefs</a>	CIVIL: Whether, in a diversity action, an apparently inconsistent jury verdict finding liability but assessing no damages was
Vigilant Insurance Company v. McKenney's Inc		entered contrary to applicable state substantive law; other issues.
( Childs )		

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11-6940	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether prisoners have a constitutional right to visitation.
Jerome Williams v. Jon Ozmint		
( McCrorey )		

PANEL I  
Red Courtroom (Room 412)  
9:30 a.m.

Tuesday, March 19, 2013

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12-1999	<a href="#">Briefs</a>	ENVIRONMENTAL LAW: Whether decision of Army Corps of Engineers is arbitrary and capricious and violates the NEPA and CWA.
Ohio Valley Environmental Coal v. US Army ( Chambers )		
12-1590	<a href="#">Briefs</a>	CIVIL: Whether the district court erred by granting summary judgment to defendants on plaintiff's claims for breach of fiduciary duty, breach of contract, and other related claims under Virginia law.
Petr Bocek v. JGA Associates, LLC ( Hilton )		
11-1999	<a href="#">Briefs</a>	CIVIL: Whether the district court erred in granting summary judgment to the DEA on Coleman's Freedom of Information Act claim.
John Coleman v. DEA ( Lee )		
12-1476	<a href="#">Briefs</a>	CIVIL: Whether the district court erred in finding Gainsburg did not engage in protected activity under the Maryland Flexible Leave Act; other issues.
Barry Gainsburg v. Steben & Co., Inc. ( Messitte )		

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PANEL II  
Green Courtroom (Room 201)  
9:30 a.m.

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12-1588	<a href="#">Briefs</a>	CIVIL: Whether district court erred in concluding that the FDIC was the holder of the promissory note; whether issuance of form 1099-C is evidence of cancellation of the debt.
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12-4402	<a href="#">Briefs</a>	SENTENCING: Application of sixteen-level enhancement in USSG section 2L1.2(b)(1)(A) after finding conviction for delivery of controlled substance under Or. Rev. Stat. section 475.992(1), was categorically drug trafficking offense.
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11-2167	<a href="#">Briefs</a>	IMMIGRATION: Propriety of the BIA's conclusion that, under the formulation set forth in <u>In re C-A-</u> , 23 I. & N. Dec. 951 (BIA 2006), petitioner was not a member of a legally cognizable social group.

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PANEL III  
Tan Courtroom (Room 223)  
9:30 a.m.

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12-1533	<a href="#">Briefs</a>	CIVIL: Whether periods of non-production, partial royalty payments, and/or concealment of mineral production affected mineral lease.
Martha Wellman v. Bobcat Oil & Gas, Inc. ( Chambers )		
<hr/>		
12-1757	<a href="#">Briefs</a>	ADMINISTRATIVE LAW: Whether promulgation of rule requiring all employers subject to the National Labor Relations Act to post notices informing employees of their rights exceeded NLRB's statutory authority.
Chamber of Commerce v. NLRB ( Norton )		
<hr/>		
12-1544	<a href="#">Briefs</a>	EMPLOYMENT: Whether the district court properly granted summary judgment with respect to the plaintiff's ADA claim; other issues.
Branell Harris v. Reston Hospital Center, LLC ( Hilton )		
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12-1581	<a href="#">Briefs</a>	INSURANCE LAW: Whether the district court erred in upholding disclaimer of legal malpractice insurance coverage.
Minnesota Lawyers Mutual Ins. v. Baylor & ( Bredar )		

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Tweed Courtroom (Room 414-D)  
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12-6129	<a href="#">Briefs</a>	HABEAS CORPUS: Whether mailing of a 28 U.S.C. section 2255 motion to the wrong district court extends the limitations period or equitably tolls the statute.
US v. Marcus McNeill ( Fox )		

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12-6373	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether there was a genuine dispute as to a material fact regarding the claim that defendants were deliberately indifferent; related issues.
Jean Germain v. Bobby Shearin ( Motz )		

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12-6738	<a href="#">Briefs</a>	CIVIL COMMITMENT: Issues related to conditional release under 18 U.S.C. section 4246.
US v. Donald Snyder ( Britt )		

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Gold Courtroom (Room 348)  
9:30 a.m.

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12-1566	<a href="#">Briefs</a>	LONGSHORE: Whether award of permanent partial disability benefits was supported by substantial evidence; attorney's fees.
Marine Repair Services, Inc v. Christopher		

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12-1143	<a href="#">Briefs</a>	FEDERAL PROCEDURE: Whether district court properly abstained from deciding mixed complaint of declaratory and nondeclaratory claims in deference to a state court action; other issues.
VRCompliance LLC v. Homeaway, Inc. ( O'Grady )		

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Red Courtroom (Room 412)  
9:30 a.m.

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12-1835	<a href="#">Briefs</a>	HAGUE CONVENTION: Whether joint parental authority constituted an Article 5 right of custody; whether removal of child constituted an "abuse of rights" under Swiss law.
Malcolm White v. Soudabeh White ( Ellis )		

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12-1287	<a href="#">Briefs</a>	DEFAMATION: Was defendant entitled to judgment as a matter of law on the defamation claim; other issues.
Mygallons LLC v. U.S. Bancorp ( Britt )		

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11-2202	<a href="#">Briefs</a>	FEDERAL FAIR HOUSING ACT: Was plaintiffs' accommodation request necessary and reasonable; was modification request necessary as a matter of law; attorneys' fees and other issues.
Jacob Scoggins v. Lee's Crossing Homeowners ( O'Grady )		
Associations:	11-2373	

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12-1740	<a href="#">Briefs</a>	CIVIL: Whether district court erroneously awarded defendants summary judgment on Quiet Title Act claim alleging reserved easement.
Agape Motorcoach Retreat, LLC v. Glenda ( Turk )		

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Green Courtroom (Room 201)  
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12-1722	<a href="#">Briefs</a>	CIVIL: Whether four-year statute of limitations in 28 U.S.C. section 1658 applies to claims under Uniformed Services
Oakley Baldwin v. City of Greensboro		Employment and Reemployment Rights Act of 1994 that pre-date enactment of Veterans' Benefit Improvement Act.
( Osteen )		

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12-1899	<a href="#">Briefs</a>	COPYRIGHT LAW: Did district court err in granting summary judgment against plaintiff on revenue stream and actual
Anthony Dash v. Floyd Mayweather, Jr.		damages issues; other issues.
( Anderson )		

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12-1705	<a href="#">Briefs</a>	IMMIGRATION: Whether agency erred in finding alien inadmissible under 8 U.S.C. section 1182(a)(6)(C)(i) (2006).
Mobolaji Aoko v. Eric Holder, Jr.		

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12-1973	<a href="#">Briefs</a>	HAMP: Is there a private right of action to enforce the Home Affordable Modification Program Guidelines; other issues.
Josephine Spaulding v. Wells Fargo Bank, N.A.		
( Russell )		

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PANEL III  
Tan Courtroom (Room 223)  
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12-2017	<a href="#">Briefs</a>	BANKRUPTCY: Whether "below median" debtor may properly exclude social security benefits from calculation of current monthly income for Chapter 13 bankruptcy.
Robert Ranta v. Thomas Gorman ( Hilton )		
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12-1910	<a href="#">Briefs</a>	EMPLOYMENT DISCRIMINATION: Did plaintiff suffer a tangible employment action; other issues.
Stephanie Crockett v. Mission Hospital, Inc. ( Reidinger )		
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12-1922	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether police officer is entitled to qualified immunity in 42 U.S.C. section 1983 suit.
Carlin Robinson v. Daniel Lioi ( Blake )		
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12-1621	<a href="#">Briefs</a>	BANKRUPTCY: Whether the bankruptcy court erred in finding that defendant made fraudulent certifications, determining judgment amount, and declaring judgment non-dischargeable.
SG Homes Associates, LP v. Michael Marinucci ( Quarles )		

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Tweed Courtroom (Room 414-D)  
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12-6687	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether summary judgment was properly granted on Eighth Amendment excessive force claim; other issues.
Billy Tedder v. Sgt. Johnson ( Childs )		

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12-1352	<a href="#">Briefs</a>	CIVIL: Whether evidence supported jury verdict on claim brought under the South Carolina Wage Payment Act; jury instructions; attorney fees.
Thomas Davis v. MPW Industrial Services, Inc. ( Childs )		

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12-4155	<a href="#">Briefs</a>	SENTENCING: Whether district court erred in applying USSG section 5G1.3 to run federal sentence consecutive to state sentence; standard of review.
US v. Tyre Johnson ( Hudson )		

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12-4323	<a href="#">Briefs</a>	CRIMINAL LAW: Whether the court erred enhancing the sentences for obstruction of justice; related issues.
US v. Michael Ecklin ( Doumar )		
Associations: 12-4324		

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PANEL V  
Gold Courtroom (Room 348)  
9:30 a.m.

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12-1682	<a href="#">Briefs</a>	TELECOMMUNICATIONS ACT: Does substantial evidence support the Board's denial of application for conditional use permit; other issues.
T-Mobile Northeast LLC v. Howard County ( Bennett )		
12-1747	<a href="#">Briefs</a>	SECTION 1983: Whether district court properly granted summary judgment to defendants on plaintiff's employment action that alleged violation of his First Amendment rights.
Duane Minnick v. County of Currituck ( Boyle )		
12-1575	<a href="#">Briefs</a>	MEDICAID ACT: Did notification of future budget reductions constitute agency "action" requiring due process appeal rights; were plaintiffs' due process rights violated; other issues.
L.S. v. Pamela Shipman ( Flanagan )		

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Red Courtroom (Room 412)  
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12-1628	<a href="#">Briefs</a>	CIVIL: Whether Maryland Code Annotated, Courts and Judicial Proceedings section 5-518(c) constitutes a waiver of Eleventh Amendment immunity for claims brought under the Fair Labor Standards Act.
Lonnie Gilliland v. Charles Co Board of Ed. ( Motz )		
12-1790	<a href="#">Briefs</a>	REAL PROPERTY: Whether district court erred in granting summary judgment to defendant in action for trespass resulting from surface pit disposal of drilling waste.
Martin Whiteman v. Chesapeake Appalachia ( Stamp )		
12-1591	<a href="#">Briefs</a>	RICO: Whether complaint was properly dismissed for failure to allege open-ended racketeering activity; whether district court abused its discretion in denying Rule 60(b) motion.
CVLR Performance Horses, Inc. v. John Wynne ( Moon )		

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Associations: 12-1787

PANEL II  
Green Courtroom (Room 201)  
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12-1805	<a href="#">Briefs</a>	CIVIL: Whether district court properly granted motion to dismiss complaint based on Rooker-Feldman doctrine and res judicata.
Michael Field, Jr. v. Michael Berman ( Hilton )		

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12-1635	<a href="#">Briefs</a>	FEDERAL PROCEDURE: Whether the district court abused its discretion in dismissing the case based on forum non conveniens.
Mary DiFederico v. Marriott International, ( Titus )		

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11-1966	<a href="#">Briefs</a>	FTCA: Whether district court erred in granting Government motion to dismiss, application of Virginia Recreational Use statute.
George Lutfi v. US ( Trenga )		

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PANEL III  
Tan Courtroom (Room 223)  
9:30 a.m.

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12-1680	<a href="#">Briefs</a>	IMMIGRATION: Whether Board employed proper standard of review in overturning IJ's discretionary grant of cancellation of removal.
Manuel Coreas v. Eric Holder, Jr.		

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12-1674	<a href="#">Briefs</a>	COMMERCIAL LAW: Did the district court err in declining to apply protection of the Carmack Amendment when it limited liability for injury to property during rail shipment; other issues.
ABB INC. v. CSX Transportation, Inc. ( Fox )		

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Tweed Courtroom (Room 414-D)  
9:30 a.m.

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11-2418	<a href="#">Briefs</a>	BLACK LUNG: Issues regarding applicability to operators of limitation regarding rebuttal of 15-year presumption of total disability due to pneumoconiosis under 30 U.S.C. section 921(c)(4).
Mingo Logan Coal Co. v. Owens		

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12-1294	<a href="#">Briefs</a>	BLACK LUNG: Whether restoration of derivative survivors' benefits under Affordable Care Act applies to a subsequent survivor's claim filed after denial of initial claim. (30 minutes per side).
Union Carbide Corporation v. Virginia Richards		

Associations: 12-1978

PANEL V  
Gold Courtroom (Room 348)  
10:00 a.m.

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12-1244	<a href="#">Briefs</a>	BANKRUPTCY: Whether the bankruptcy court erred in declining to set aside sale of property; other issues.
Bon-Air Partnership v. Robert Trumble ( Bailey )		

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12-1649	<a href="#">Briefs</a>	CONTRACT LAW: Did the district court err in construing North Carolina law on mutual mistake; other issues.
Pagidipati Enterprises, Inc. v. Laboratory Corp ( Tilley )		

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12-4336	<a href="#">Briefs</a>	CRIMINAL LAW: Challenges to convictions, sentence and forfeiture order.
US v. Eric Giles ( Conrad )		

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Associations: 12-4403

PANEL VI  
Blue Courtroom (Room 339)  
10:00 a.m.

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12-1514 [Briefs](#) LABOR LAW: Whether Board members' recess appointments were valid; other issues.

NLRB v. Enterprise Leasing Company

Associations: 12-2000, 12-2065

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12-1480 [Briefs](#) FEDERAL PROCEDURE: Is the Maryland Department of Health & Mental Hygiene entitled to defense of sovereign immunity in garnishment action; other issues.

Carpenters Pension Fund v. Maryland Dept.  
( Legg )

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12-4477 [Briefs](#) SENTENCING GUIDELINES: Whether district court erred in applying cross reference in USSG section 2K2.1(c), and in cross referencing to attempted second degree murder.

US v. James Ashford  
( Seymour )

PANEL I  
Red Courtroom (Room 412)  
8:30 a.m.

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11-2131	<a href="#">Briefs</a>	CIVIL: Whether the district court erred in dismissing the complaint for lack of jurisdiction pursuant to the Rooker-Feldman doctrine; other issues.
Solomon Stratton v. Mecklenburg Co Social ( Norton )		
12-4168	<a href="#">Briefs</a>	CRIMINAL: Whether the evidence was sufficient to establish defendant was a member of the charged conspiracy; other issues.
US v. Raymond Allen ( Reidinger )		
12-4515	<a href="#">Briefs</a>	CRIMINAL LAW: Issues related to evidentiary rulings and to sufficiency of the evidence.
US v. Jared Baraloto ( Legg )		
12-1882	<a href="#">Briefs</a>	INSURANCE: Whether district court erred in granting summary judgment, finding that plaintiff is not entitled to recover under policy's underinsured motorist coverage.
Ronnie Dooley v. Hartford Accident & ( Wilson )		

PANEL II  
Green Courtroom (Room 201)  
8:30 a.m.

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12-1266	<a href="#">Briefs</a>	CIVIL: Whether the district court correctly determined that plaintiffs' claims were barred by Maryland's claim preclusion doctrine; other issues.
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12-4603	<a href="#">Briefs</a>	CRIMINAL: Whether a conviction for resisting arrest under Md. Code Ann., Crim. Law section 9-408(b)(1) is a "crime of violence" for purposes of U.S. Sentencing Guidelines Manual section 2L1.2(b)(1)(A).
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11-4295	<a href="#">Briefs</a>	SUPERVISED RELEASE: Whether district court plainly erred by considering Cazeau's rehabilitative needs and fact that original sentence was reduced based on Guidelines amendment.
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US v. Cashmere Cazeau ( Fox )		

PANEL III  
Tan Courtroom (Room 223)  
8:30 a.m.

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11-1839	<a href="#">Briefs</a>	BLACK LUNG: Whether ALJ properly applied the preamble and the 718.305 rebuttable presumption in awarding black lung benefits.
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12-4419	<a href="#">Briefs</a>	CRIMINAL: Whether variance sentence is substantively reasonable.
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12-4308	<a href="#">Briefs</a>	CRIMINAL: Whether the district court properly considered the Chapter Seven sentencing range; other issues.
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12-4088	<a href="#">Briefs</a>	RESTITUTION: Whether the district court erred by ordering restitution under 18 U.S.C. section 3663(a)(1)(A), when defendant pled guilty to possession of a stolen firearm; standard of review.
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PANEL IV  
Tweed Courtroom (Room 414-D)  
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12-1786	<a href="#">Briefs</a>	CONSTITUTIONAL LAW: Whether district court erred in granting summary judgment regarding claim of retaliation in violation or First Amendment; other issues.
B. Shenoy v. Charlotte – Mecklenburg Hosp. ( Mullen )		

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12-1496	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether police officer was entitled to qualified immunity for alleged unconstitutional entry into home and subsequent arrest.
Sloan Pleasants v. Town of Louisa ( Moon )		

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12-4363	<a href="#">Briefs</a>	CRIMINAL: Whether district court erred in denying motion to dismiss indictment based on finding that alien defendant was unlawfully present when he possessed firearms; sufficiency of evidence.
US v. Abduladhim Ahmed Al Sabahi ( Dever )		

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PANEL V  
Gold Courtroom (Room 348)  
8:30 a.m.

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